

Appin. No. 10/025,585

Attorney Docket No. 10541-595

I. Remarks

Reconsideration and re-examination of this application in view of the following remarks is herein respectfully requested.

After entering this amendment, claims 15-28 remain pending.

Claim Rejections - 35 U.S.C. §103(a)

Claims 15-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,302,553 to Izawa ("Izawa") in view of U.S. Patent No. 3,056,303 to Naylor ("Naylor"). Applicant respectfully traverses this rejection.

First, in order for references to be combined in the making of an obviousness rejection under §103, there needs to be some motivation or suggestion, in the references themselves, to make the proposed combination. In the present instance, Applicant asserts that it would not be obvious for one to combine Izawa with the device disclosed in Naylor.

Naylor discusses the application of its invention to aerial and space vehicles. Naylor does not discuss the application of the invention to land based vehicles, and more particularly, automobiles. When used in the specific applications stated in Naylor, the inertial reference device is concerned with adjusting or correcting the attitude of a craft relative to a specified coordinate system. The attitude of a craft relative to a specified coordinate system is not dependent of the forward direction in which the craft is traveling and, in fact, the craft may be stationary in a relative sense.

To the contrary in Izawa, the automobile is traveling along a varied pathway as defined by the roadway. Attitude adjustment of the automobile would relate to the levelness of the automobile with regard to the roadway, not the anticipated forward direction in which automobile would be traveling. One would not look to attitude

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reference devices to find a solution to a forward directional issue, as solved by the present invention.

Second, even if one found it obvious to apply the device described in Naylor to automobiles, Naylor only describes the use of the device to provide information for adjusting the attitude of the entire vehicle. Naylor does not suggest the use of the device to provide information for control of only a vehicle accessory, such as vehicle headlights as claimed.

Finally, and notwithstanding the above, the references, individually and when combined, do not disclose each and every element of the present invention. A careful reading of the claims shows that elements of claims 15 and 23 are not met by a combination of the above references. Specifically, claims 15 and 23 both describe the use of at least one sensor mounted to the housing and connected to an electronic control unit. The at least one sensor mounted to the housing, described in claims 15 and 23, measures the movement of the sphere relative to the housing. Naylor describes the use of a plurality of motor stator portions mounted to the sphere, not the housing. For the device in Naylor to function as intended, electrical current must originate from the sphere. Therefore, the sphere must be powered. To achieve this, power is provided to the sphere through the multiplexing of a single conduction path utilizing as conductors a set of pins protruding from the sphere and contacting the housing. As such, it is clear that Naylor is describing a system that is entirely different and operates in an entirely different manner than the present invention.

Since that Naylor fails to disclose or suggest the use of at least one sensor mounted to the housing, the housing and sphere having been previously noted as lacking in Izawa, it must be concluded that the combination of Izawa in view of

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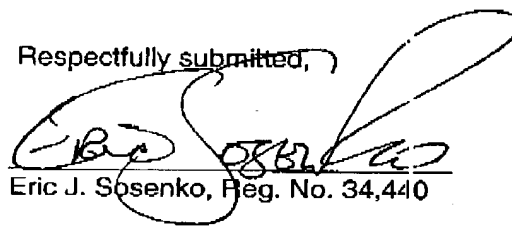
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Naylor cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

Conclusion

In view of the above remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,



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